

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Robert Wheeler, III,

Debtor.

Peter N. Metrou, not individually but
as Chapter 7 trustee of the bankruptcy
estate of Robert Wheeler, III,

Plaintiff,

v.

**Robert Wheeler, III and
Massachusetts Mutual Life
Insurance Company,**

Defendants.

Chapter 7

Bankruptcy No. 19-bk-01600

Honorable LaShonda A. Hunt

Adversary No. 20-00094

NOTICE OF MOTION

Please take notice that on **Friday, February 5, 2021, at 9:30 A.M.**, or as soon thereafter as counsel may be heard, the undersigned attorneys shall appear telephonically before the Honorable LaShonda A. Hunt, and present the attached **Motion for Entry of Agreed Judgment Order**, a copy of which is attached hereto and herewith served upon you.

This motion will be presented and heard electronically using AT&T Teleconference. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must call this toll-free number: 1-888-557-8511. Then enter access code 7490911 followed by the pound (#) sign.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Dated: January 21, 2021

Peter N. Metrou, not individually
but as the chapter 7 trustee of the
bankruptcy estate of Robert
Wheeler, III

By: /s/ Ariane Holtschlag
One of his attorneys

Ariane Holtschlag (6294327)
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CERTIFICATE OF SERVICE

I, Ariane Holtschlag, an attorney, hereby certify that on January 21, 2021, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Joint Motion for Entry of Agreed Judgment Order* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the below Service List.

/s/ Ariane Holtschlag

SERVICE LIST

Registrants

(Service via ECF)

Ariane Holtschlag

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:	Chapter 7
Robert Wheeler, III,	Bankruptcy No. 19-bk-01600
Debtor.	Honorable LaShonda A. Hunt
Peter N. Metrou, not individually but as Chapter 7 trustee of the bankruptcy estate of Robert Wheeler, III,	
Plaintiff,	Adversary No. 20-00094
v.	
Robert Wheeler, III and Massachusetts Mutual Life Insurance Company,	
Defendants.	

MOTION FOR ENTRY OF AGREED JUDGMENT ORDER

Peter N. Metrou, not individually but solely as the chapter 7 trustee (the “Trustee”) for the bankruptcy estate of Robert Wheeler, III (the “Debtor”) respectfully requests this Court enter an agreed judgment order resolving the above captioned adversary proceeding and in support thereof state as follows:

JURISDICTION

1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, and Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois.
2. Venue of the above-captioned case and of this motion is proper

pursuant to 28 U.S.C. §§ 1408 and 1409.

3. This matter is a core proceeding within the meaning of 28 U.S.C. § 157.

BACKGROUND AND REQUESTED RELIEF

4. On January 18, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 7 of Bankruptcy Code commencing the Bankruptcy Case.

5. Peter N. Metrou was appointed as the interim trustee in the Case pursuant 11 U.S.C. § 701 and now serves as the permanent trustee in the Bankruptcy Case. The Trustee is duly qualified and has all the powers of a trustee under, among other provisions, 11 U.S.C. § 704.

6. Among the assets of the Estate is an interest in life insurance policy number x-xxx-592 held at MassMutual (the “*Policy*”).

7. The Policy has a current cash value of approximately \$96,626.68.

8. On March 3, 2020, the Trustee commenced the above captioned adversary proceeding (the “*Adversary Proceeding*”) by filing a complaint (the “*Complaint*”) turnover of the Policy under 11 U.S.C. 542.

9. Since that time, the Debtor and the Trustee have reached a mutually acceptable resolution of the controversies between them, including the Adversary Proceeding. The settlement was approved by order of this Court entered on December 18, 2020. *See* Bankr. Dkt. No. 128.

10. In accordance with that resolution, the Trustee now seeks entry of the attached agreed judgment order in favor of the Trustee and against the Debtor.

WHEREFORE, the Trustee respectfully requests entry of the attached agreed judgment order and for such other and further relief as this honorable Court deems just and appropriate.

Dated: January 21, 2021

Peter N. Metrou, not individually
but as the chapter 7 trustee of the
bankruptcy estate of Robert
Wheeler, III

By: /s/ Ariane Holtschlag
One of his attorneys

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